



# Estate Recovery Program



Operated by the Office of Recoveries and Fraud Investigations, the Estate Recovery Program files claims against the estates of deceased Medicaid recipients. This helps the Department of Social Services recover the cost of Medicaid benefits it has provided to those recipients.

This program was established in 1994 to bring South Dakota into compliance with federal requirements. The state is authorized to recover the cost of benefits provided to recipients after July 1, 1994, for the following services:

Nursing facility services\*

Home and community-based services\*\*

Intermediate care facility services for the mentally handicapped\*

Other institutional services\*

Hospital services\*

Prescription drug services\*\*

\* For all recipients

\*\* For recipients 55 years of age or older

This program was expanded in 1997 to include recovery from the estate of a surviving spouse. After the death of a surviving spouse, claims may be filed against that person's estate to recover the Medicaid benefits listed above that were received by the Medicaid recipient.

If the surviving spouse wishes to limit the amount of his or her estate that will be available for reimbursement of medical assistance expenditures, the surviving spouse must file a petition for limitation.

The petition must be made using a form from the Department of Social Services (DSS). The petition must be filed with the department within six months of the Medicaid recipient's death.



If a petition is filed, the Department of Social Services will determine the value of the surviving spouse's estate at the time of the Medicaid recipient's death. The value will limit the amount available to the department for recovery of its Medicaid expenditures on behalf of the Medicaid recipient.

Petitions for limitation are available at local Department of Social Services offices. Forms may also be obtained by contacting:

**Office of Recoveries  
and Fraud Investigations  
Department of Social Services  
700 Governors Drive  
Pierre, SD 57501**

**Telephone: (605) 773-3653**

To learn more about the Estate Recovery Program, contact the Office of Recoveries and Fraud Investigations at the address or phone number listed above. The petition and additional information is also available online at: [www.state.sd.us/social/Recoveries/EstateRecoveryProgram](http://www.state.sd.us/social/Recoveries/EstateRecoveryProgram).



## Some Exemptions...

The Department of Social Services may not seek the recovery of Medicaid benefits paid:

During the lifetime of a surviving spouse.

If the recipient has a child under 21 at the time of recovery.

If the recipient has a child meeting the Supplemental Security Income (SSI) definition of blind or disabled.



Visit us on the Web at:

[www.state.sd.us/  
social/recoveries](http://www.state.sd.us/social/recoveries)

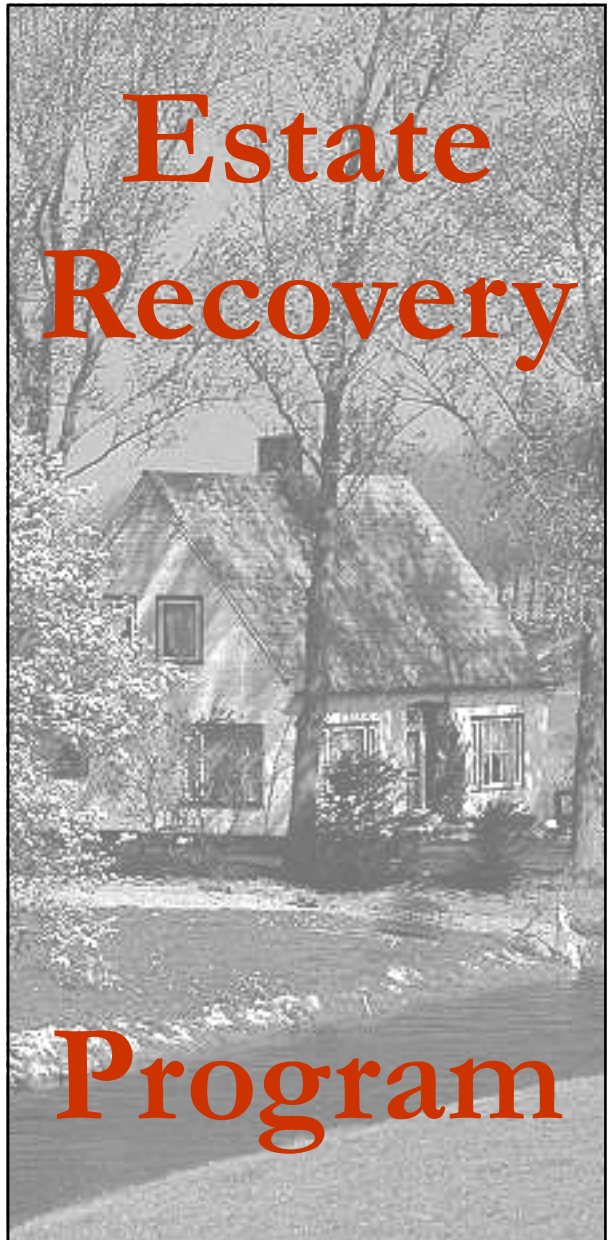


### **DSS Nondiscrimination Policy:**

It is the policy of the Department of Social Services (DSS) to make sure that applications for program benefits and services are made available to everyone and that program benefits are granted to all who meet eligibility standards. DSS staff, programs and policies must not discriminate against clients or applicants for services because of race, color, sex, age, disability, religion and national origin. DSS must also provide fair and equal access to all of its programs and services for people with disabilities; this includes both physical access to buildings and access to programs and services. To file a complaint of discrimination write: PMB0141-1, DSS Human Resource Manager, 500 East Capitol Ave., Pierre, SD 57501-5070 or call: (605) 773-6941. If you have a question regarding program services, please contact your nearest DSS office.

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Department of Social Services

**OFFICE OF RECOVERIES  
& FRAUD INVESTIGATIONS**